

(Appeal of Planning Commission Action)

RESOLUTION NO. A-\_\_\_\_\_

SPECIAL PERMIT NO. 1964

1 WHEREAS, Sutherland Park Partners L.L.C. has submitted an application  
2 designated as Special Permit No. 1964 for authority to construct a private school for  
3 tumbling, dance, cheerleading and gymnastics on property located at 4001 South 8th  
4 Street, and legally described to wit:

5 Lot 1, Block 1, Sutherland Park 1st Addition, Lincoln,  
6 Lancaster County, Nebraska;

7 WHEREAS, the Lincoln City-Lancaster County Planning Commission has  
8 held a public hearing and denied said application; and

9 WHEREAS, the community as a whole, the surrounding neighborhood,  
10 and the real property adjacent to the area included within the site plan for this  
11 dance/gymnastics school will not be adversely affected by granting such a permit; and

12 WHEREAS, said site plan together with the terms and conditions  
13 hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln  
14 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
15 public health, safety, and general welfare.

16 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of  
17 Lincoln, Nebraska:

18 That the application of Sutherland Park Partners L.L.C., hereinafter  
19 referred to as "Permittee", to construct a private school for tumbling, dance,

cheerleading and gymnastics be and the same is hereby granted under the provisions of Section 27.63.075 of the Lincoln Municipal Code upon condition that construction of said dance/gymnastics school be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a private dance/gymnastics school for 207 students and 10 staff on Lot 1, Block 1, Sutherland Park 1st Addition.

2. The Permittee agrees to terminate the use of the premises as a private school within sixty days following receipt of notification from the building official that hazardous materials are being stored on property within 300 feet of the building used for the private school.

3. The Permittee shall not allow the storage or use of hazardous materials on the premises of the special permit.

4. Before receiving building permits:

a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

i. A revised site plan including five copies showing the following revisions:

(1) Include only parking stalls that will be constructed. Remove references to proposed stalls.

(2) Remove parking stalls that do not meet Design Standards.

(3) Indicate stalls required and stalls provided.

(4) Indicate landscaping materials and specifications.

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- (5) Indicate sidewalks and street trees as approved on the preliminary plat.
  - (6) Remove references to contract area as the special permit will cover the entire lot.
  - (7) Correct the legal description.
  - (8) Remove references to area separation walls and the Uniform Building Code and site plan notations.
  - (9) Add a general site note indicating that the use of the building will comply with all applicable building and life safety codes.
  - (10) Add a note to the site plan to indicate that, should hazardous materials be located within the area of the special permit, the Permittee shall immediately terminate the use of the premises as a private school to the satisfaction of the Lincoln-Lancaster County Health Department and Law Department.
  - (11) Add a note to the site plan indicating that the building shall have an emergency shut-off switch for the ventilation system in case of a hazardous chemical spill in the area to the satisfaction of the Lincoln-Lancaster County Health Department.
  - (12) Add a note to the site plan indicating that the special permit shall be automatically terminated within sixty days following receipt of notification from the building office that hazardous materials are being stored on property within 300 feet of the building used for the private school.
  - (13) Provide an evacuation plan, in the event of a hazardous materials spill, to the satisfaction of the Lincoln-Lancaster County Health Department.
- ii. A permanent final site plan with five copies as approved.

- b. The construction plans must conform to the approved plans.
  - c. The required easements as shown on the site plan must be recorded with the Register of Deeds.
  - d. All development must comply with floodplain regulations.
5. Before occupying this private dance/gymnastics school all development and construction must conform to the approved plans.
  6. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.
  7. The operation must meet appropriate local and state licensing requirements.
  8. The site plan, approved by this permit, shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
  10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

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Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_, 2002:

\_\_\_\_\_  
Mayor